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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,125	10/04/1999	GLEN A. BOUCHER	E-909	7876

7590

06/28/2002

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 06/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/411,125

Applicant(s)

BOUCHER ET AL. *cd*

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3.                      6) ☐ Other: \_\_\_\_\_

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Claims 1-20 have been reviewed.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3, 7, 9, 11, 13, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel (US 6035291).

As per claims 1, 7,11 and 17. Thiel discloses a method for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, comprising the steps of:

- (a) determining the destination area for the package based upon its intended destination,
- (b) determining the service level supported by the carrier for the destination area,
- (c) determining a desired class of service for a package with respect to its delivery by the carrier,
- (d) based upon the determined class of service for the package, determining a service column index value(Thiel, Abstract, Fig. 1a, 1b, 1c and 1d, Col. 28, Lines 65-67, Col. 29, Lines 1-5)
- (e) based upon the service level supported by the carrier for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
- (f) reading said delivery commitment information for the specified cell(Thiel, Abstract, Col. 4, Lines 35-67, Col. 5, Lines 1-67, Col. 7, Lines 1-25, Col. 9, Lines 40-55, Col. 10, Lines 1-67, Col. 14, Lines 40-50, Col. 15, Lines 15-45, Col. 17, Lines 25-67, Col. 18, Lines 1-40, Col. 29, Lines 55-67, Col. 44, Lines 55-67, Col. 46, Lines 59-67).

Official notice is taken that it is old and well known in the computer art to get the advantage of saving costs while ensuring quality service by using carrier information such as destination area, class of service, service level, delivery commitment

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information to determine the selected carrier. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include carrier information to get this advantage.

As per claims 3, 9, 13 and 19. Thiel disclose the method of claims 1, 7 and 11 wherein said delivery commitment information is verified relative to a real time clock(Thiel, Abstract, Col. 20, Lines 30-55); and, if said verified delivery commitment information is at a time later than a pre-determined cut-off time, then posting a notification of said later time and determining whether or not said selected carrier and/or said selected service is to be maintained or whether an alternative carrier and/or alternative service is to be selected(Thiel, Abstract, Col. 24, Lines 10-50, Col. 26, Lines 25-32, Col. 29, Lines 55-67, Col. 32, Lines 40-50).

3. Claims 2,4,5,6,8,10,12 ,14,15,16,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel as applied to claims 1,7,11 and 17 above in view of Manduley et al. (US 5778348).

As per claims 2 and 12. Thiel discloses a method for determining carrier specific commitment data as defined in claims 1,7,11 and 17.

Thiel fails to disclose wherein the service column index values and class of services are maintained in a token map.

Manduley et al. disclose the service column index values and class of services are maintained in a token map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to the service column index values and class of services are maintained in a token map as taught by Manduley et al. to save costs while ensuring quality service by using carrier information.

As per claims 4, 8 and 14. Thiel discloses a method for determining carrier specific commitment data as defined in claims 2, 7 and 12.

Thiel fails to disclose wherein service levels supported by a carrier are maintained in a destination map, wherein for each destination area supported by the carrier information is stored in a location of the destination map related to the service level supported by the carrier for that destination area.

Manduley et al. disclose wherein service levels supported by a carrier are maintained in a destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50), wherein for each destination area supported by the carrier information is stored in a location of the destination map(Manduley et al., Abstract, Col.

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4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) related to the service level supported by the carrier for that destination area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to include the service levels supported by a carrier are maintained in a destination map, wherein for each destination area supported by the carrier information is stored in a location of the destination map related to the service level supported by the carrier for that destination area as taught by Manduley et al. to save costs while ensuring quality service by using carrier information.

As per claims 5, 6,15 and 16. Thiel and Manduley et al. disclose claims 4 and 14. Thiel further disclose a location for each postal ZIP code(Thiel, Abstract, Col. 22, Lines 59-65, Col. 26, Lines 25-32) and wherein a code is stored in each such location.

Thiel fails to disclose the destination map.

Manduley et al. disclose the destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to include the the destination map as taught by Manduley et al. to save costs while ensuring quality service by using carrier information and a destination map to identify where the carrier does and does not deliver.

As per claims 10, 18 and 20. Thiel disclose a method for determining carrier specific commitment data as defined in claims 8 and 17, further wherein the carrier supports origin dependent delivery commitment information and wherein a separate destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) is provided for each origin dependent delivery commitment for that carrier, wherein each delivery map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) has assigned a code related to the service level supported by that carrier for each destination area supported by that carrier, and further comprising the step of determining the origin area of the package based upon its origin and determining the code associated with that origin area representing the origin dependent delivery commitment for that carrier for that origin and using this information to access a corresponding destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines1-50) associated with the value in the origin area for determining the service level supported by the carrier for the destination area based upon the origin area(Thiel, Abstract, Col. 4, Lines 35-67, Col. 5, Lines 1-67, Col. 7, Lines 1-25, Col. 9, Lines 40-55, Col. 10, Lines 1-67, Col. 14, Lines 40-50, Col. 15, Lines 15-45, Col. 17, Lines 25-67, Col. 18, Lines 1-40, Col. 29, Lines 55-67, Col. 44, Lines 55-67, Col. 46, Lines 59-67).

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Thiel fails to disclose the destination map.

Manduley et al. disclose the destination map(Manduley et al., Abstract, Col. 4, Lines 28-36, Col. 6, Lines 35-65, Col. 9, Lines 1-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Thiel to include the destination map as taught by Manduley et al. to save costs while ensuring quality service by using carrier information and a destination map to identify where the carrier does and does not deliver.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Netscape and FDX Unveil Plans for Next Generation Internet Package Delivery Center, April 7, 1999, FedEx Corporation Press Release.

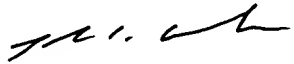
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Debra F. Charles  
Examiner  
Art Unit 3629

dfc  
June 24, 2002

  
John G. Weiss  
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